

**To:** Frank\_Parigi@oxy.com[Frank\_Parigi@oxy.com]  
**From:** Fajardo, Juan  
**Sent:** Fri 7/15/2016 7:27:15 PM  
**Subject:** RE: Diamond Alkali -- Lower 8.3 Miles RD Negotiations

Frank –

You are right to keep communications solely between attorneys. In my haste, I had Alice send you the SOW in Word form. Going forward, we need to continue the proper practice of attorney to attorney communication.

Thanks,

Juan

**From:** Frank\_Parigi@oxy.com [mailto:Frank\_Parigi@oxy.com]  
**Sent:** Friday, July 15, 2016 10:18 AM  
**To:** Fajardo, Juan <Fajardo.Juan@epa.gov>  
**Cc:** Flanagan, Sarah <Flanagan.Sarah@epa.gov>; lsilver@lssh-law.com; Mike\_Anderson@oxy.com  
**Subject:** RE: Diamond Alkali -- Lower 8.3 Miles RD Negotiations

Juan:

Please note that we continue work through issues related our ability to use Ben Lippard and other consultants previously employed by Maxus. For purposes of this communication I am copying Larry Silver and GSH President Mike Anderson.

We will have the AOC comments to you today as promised and continue our review of the SOW. To expedite our review and comment can you forward a Word version of the SOW? I believe all we have is a pdf. Our plan is to have SOW comments/red-line to you as soon as possible but that may be closer to the middle or end of the week of July 25, with the thought of

having an in person meeting as soon as EPA has had time to digest our comments. At that time we could have a longer meeting and go over the AOC, SOW and any related issues.

We are doing our best under the circumstances. This is number 1 on our priority list, and we continue to recognize the time frame EPA has placed on completing negotiations. By way of a point of order, you will note that I did not include Alice Yeh on this e-mail in an attempt to avoid direct communication with an EPA representative outside of the legal department.

**From:** Fajardo, Juan [<mailto:Fajardo.Juan@epa.gov>]

**Sent:** Thursday, July 14, 2016 10:50 AM

**To:** Parigi, Frank <[Frank\\_Parigi@oxy.com](mailto:Frank_Parigi@oxy.com)>; Benjamin S Lippard ([blippard@velaw.com](mailto:blippard@velaw.com)) <[blippard@velaw.com](mailto:blippard@velaw.com)>

**Cc:** Yeh, Alice <[Yeh.Alice@epa.gov](mailto:Yeh.Alice@epa.gov)>; Flanagan, Sarah <[Flanagan.Sarah@epa.gov](mailto:Flanagan.Sarah@epa.gov)>

**Subject:** Diamond Alkali -- Lower 8.3 Miles RD Negotiations

I understand that Oxy's comments to the draft AOC will be provided to EPA by close of business tomorrow. Thank you. We do view that as a good-faith effort. However, we have yet to receive a commitment from Oxy regarding comments to the draft SOW, which concerns us. We appreciate the burdens placed on Oxy by the Maxus/Tierra bankruptcy, but we do not see how a settlement can be reached by the end of August unless we receive comments to the draft SOW in short order. Our expectation is that we will receive those comments sometime next week, we a meeting scheduled shortly thereafter.

Sincerely,

Juan M. Fajardo

Assistant Regional Counsel

212 637-3132